

[x] Incorporation by reference of added pages

(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)

[x] Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added 4

[] Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added _____

[] Plus added pages deleting names of inventor(s) named in prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.

Number of pages added _____

[] "Assignment Cover Letter Accompanying New Application"

Number of pages added _____

[] **Statement Where No Further Pages Added**

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)

[] This transmittal ends with this page.

PATENT

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT
OF PRIOR U.S. APPLICATION(S) CLAIMED**

NOTE: "In order for an application to claim the benefit of a prior filed copending national application, the prior application must name as an inventor at least one inventor named in the later filed application and disclose the named inventor's invention claimed in at least one claim of the later filed application in the manner provided by the first paragraph of 35 U.S.C. 112." 37 CFR 1.78(a).

NOTE: "IN ADDITION THE PRIOR APPLICATION MUST BE (1) COMPLETE AS SET FORTH IN S 1.51, OR (2) ENTITLED TO A FILING DATE AS SET FORTH IN S 1.53(B) AND INCLUDE THE BASIC FILING FEE SET FORTH IN S 1.16; OR (3) ENTITLED TO A FILING DATE AS SET FORTH IN S 1.53(B) AND HAVE PAID THEREIN THE PROCESSING AND RETENTION FEE SET FORTH IN S 1.21(L) WITHIN THE TIME PERIOD SET FORTH IN S 1.53(D)." 37 CFR 1.78(A).

17. Relate Back-35 U.S.C. 120

NOTE: "ANY APPLICATION CLAIMING THE BENEFIT OF A PRIOR FILED COPENDING NATIONAL OR INTERNATIONAL APPLICATION MUST CONTAIN OR BE AMENDED TO CONTAIN IN THE FIRST SENTENCE OF THE SPECIFICATION FOLLOWING THE TITLE A REFERENCE TO SUCH PRIOR APPLICATION IDENTIFYING IT BY SERIAL NUMBER AND FILING DATE OR INTERNATIONAL APPLICATION NUMBER AND INTERNATIONAL FILING DATE AND INDICATING THE RELATIONSHIP OF THE APPLICATIONS." 37 CFR 1.78(A). SEE ALSO THE NOTICE OF APRIL 28, 1987 (1079 O.G. 32 TO 46).

[x] The specification includes the following recitation:

Related Application:

This application is a continuation of co-pending U.S. Patent Application Serial Number 09/495,390, filed January 31, 2000, and entitled "Systems and Methods for Monitoring and Controlling Use of Medical Devices," which is a continuation-in-part of co-pending United States Patent Application Serial Number 09/026,296, filed February 19, 1998, and entitled "Method for Treating a Sphincter" (now U.S. Patent No. 6,009,877) and a continuation-in-part of co-pending provisional United States Patent Application Serial Number 60/152,749, filed September 8, 1999 and entitled "Systems and Methods for Monitoring and Controlling Use of Medical Devices."

NOTE: THE PROPER REFERENCE TO A PRIOR FILED PCT APPLICATION WHICH ENTERED THE U.S. NATIONAL PHASE IS THE U.S. SERIAL NUMBER AND THE FILING DATE OF THE PCT APPLICATION WHICH DESIGNATED THE U.S.

NOTE: (1) WHERE THE APPLICATION BEING TRANSMITTED ADDS SUBJECT MATTER TO THE INTERNATIONAL APPLICATION THEN THE FILING CAN BE AS A CONTINUATION-IN-PART OR (2) IT IS DESIRED TO DO SO FOR OTHER REASONS, E.G. WHERE NO DECLARATION IS AVAILABLE, NO ENGLISH TRANSLATION IS AVAILABLE OR NO FEE IS TO BE PAID ON FILING THEN THE FILING CAN BE AS A CONTINUATION. IN THESE CASES THE INTERNATIONAL APPLICATION DESIGNATING THE U.S. IS TREATED AS THE PARENT CASE IN THE U.S. AND IS AN ALTERNATIVE TO THE COMPLETION OF THE INTERNATIONAL APPLICATION UNDER 35 U.S.C. 371(C)(4) WHICH MUST MEET THE REQUIREMENTS OF 37 CFR 1.61(A). THIS ALTERNATIVE PERMITS THE COMPLETION OF THE FILING REQUIREMENTS WITHIN ANY TERM SET BY THE PTO UNDER 37 CFR 1.53(D) TO WHICH THE EXTENSION PROVISIONS OF 37 CFR 1.136(A) APPLY. (WHEREAS, IF THE FILING IS AS AN INTERNATIONAL APPLICATION ENTERING THE U.S. STAGE THEN THE FEE, DECLARATION AND/OR ENGLISH TRANSLATION (WHERE NECESSARY) IS DUE WITHIN 20 MONTHS OF THE PRIORITY DATE BUT CAN BE PAID WITHIN 22 MONTHS OF THE PRIORITY DATE (OR IS DUE WITHIN 30 MONTHS OF THE PRIORITY DATE BUT CAN BE SUBMITTED WITHIN 32 MONTHS OF THE PRIORITY DATE) WITH THE SURCHARGES SET FORTH IN 37 CFR 1.492(E), (F) AND 37 CFR 1.495(C); HOWEVER, THE PROVISIONS OF 37 CFR 1.136 DO NOT APPLY TO THIS 22 OR (32 MONTH) PERIOD. 37 CFR 1.61(B).)

NOTE: THE DEADLINE FOR ENTERING THE NATIONAL PHASE IN THE U.S. FOR AN INTERNATIONAL APPLICATION WAS CLARIFIED IN THE NOTICE OF APRIL 28, 1987 (1079 O.G. 32 TO 46) AS FOLLOWS:

"The Patent and Trademark Office considers the International application to be pending until the 22nd month from the priority date if the United States has been designated and no Demand for International Preliminary Examination has been filed prior to the expiration of the 19th month from the priority date and until the 32nd month from the priority date if a Demand for International Preliminary Examination which elected the United States of America has been filed prior to the expiration of the 19th month from the priority date, provided that a copy of the international application has been communicated to the Patent and Trademark Office within the 20 or 30 month period respectively. If a copy of the international application has not been communicated to the Patent and Trademark Office within the 20 or 30 month period respectively, the international application becomes abandoned as to the United States 20 or 30 months from the priority date respectively. These periods have been placed in the rules as paragraph (h) of S 1.494 and paragraph (i) of S 1.495. A continuing application under 35 U.S.C. 365(c) and 120 may be filed anytime during the pendency of the international application."

18. Relate Back-35 U.S.C. 119 Priority Claim for Prior Application

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 17, in turn itself claim(s) foreign priority (ies) as follows:

| country | appl. no. | filed on |
|-------------------------------------|--|----------|
| The certified copy (ies) has (have) | | |
| <input type="checkbox"/> | been filed on _____ in prior application 0 / _____ which was filed on _____. | |
| <input type="checkbox"/> | is (are) attached | |

WARNING: THE CERTIFIED COPY OF THE PRIORITY APPLICATION WHICH MAY HAVE BEEN COMMUNICATED TO THE PTO BY THE INTERNATIONAL BUREAU MAY NOT BE RELIED ON WITHOUT ANY NEED TO FILE A CERTIFIED COPY OF THE PRIORITY APPLICATION IN THE CONTINUING APPLICATION. THIS IS SO BECAUSE THE CERTIFIED COPY OF THE PRIORITY APPLICATION COMMUNICATED BY THE INTERNATIONAL BUREAU IS PLACED IN A FOLDER AND IS NOT ASSIGNED A U.S. SERIAL NUMBER UNLESS THE NATIONAL STAGE IS ENTERED. SUCH FOLDERS ARE DISPOSED OF IF THE NATIONAL STAGE IS NOT ENTERED. THEREFORE SUCH CERTIFIED COPIES MAY NOT BE AVAILABLE IF NEEDED LATER IN THE PROSECUTION OF A CONTINUING APPLICATION. AN ALTERNATIVE WOULD BE TO PHYSICALLY REMOVE THE PRIORITY DOCUMENTS FROM THE FOLDERS AND TRANSFER THEM TO THE CONTINUING APPLICATION. THE RESOURCES REQUIRED TO REQUEST TRANSFER, RETRIEVE THE FOLDERS, MAKE SUITABLE RECORD NOTATIONS, TRANSFER THE CERTIFIED COPIES, ENTER AND MAKE A RECORD OF SUCH COPIES IN THE CONTINUING APPLICATION ARE SUBSTANTIAL. ACCORDINGLY, THE PRIORITY DOCUMENTS IN FOLDERS OF INTERNATIONAL APPLICATIONS WHICH HAVE NOT ENTERED THE NATIONAL STAGE MAY NOT BE RELIED ON. NOTICE OF APRIL 28, 1987 (1079 O.G. 32 TO 46).

19. Maintenance of Copendency of Prior Application

NOTE: THE PTO FINDS IT USEFUL IF A COPY OF THE PETITION FILED IN THE PRIOR APPLICATION EXTENDING THE TERM FOR RESPONSE IS FILED WITH THE PAPERS CONSTITUTING THE FILING OF THE CONTINUATION APPLICATION. NOTICE OF NOVEMBER 5, 1985 (1060 O.G. 27).

A. ☐ Extension of time in prior application

(This item MUST BE COMPLETED AND THE PAPERS FILED IN THE PRIOR APPLICATION IF THE PERIOD SET IN THE PRIOR APPLICATION HAS RUN)

- ☐ A petition, fee and response extends the term in the pending prior application until _____.
- ☐ A copy of the petition filed in prior application is attached